

### **REMARKS/ARGUMENTS**

Claims 1-63 are pending in the present application. Claims 1-19, 21-40, 42-61 and 63 have been withdrawn from consideration. In the Office Action mailed January 13, 2006, the Examiner rejected claims 20, 41, and 62 under 35 U.S.C. § 102. In the above amendments, claims 20, 41, and 62 have been amended.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### **A. Claims 20, 41, and 62 Rejected Under 35 U.S.C. § 102(e)**

The Examiner rejected claims 20, 41, and 62 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,604,157 to Brusky et al. (hereinafter, "Brusky"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Brusky. Brusky does not disclose all of the limitations in these claims.

Claim 20 has been amended to recite the steps of receiving object identifier data from the object identifier reader through "a first communication port," determining that the application is not configured to receive the information through "the first communication port," determining that the application is configured to receive the information through "a second communication port," and sending the information to the application on the computing device through "the second

communication port.” Support for these amendments may be found throughout Applicants’ Specification, such as on page 6, paragraph 36. Applicants respectfully submit that Brusky does not disclose each and every element of claim 20. Specifically, Brusky does not disclose “a first communication port” or “a second communication port” in connection with the method steps recited in claim 20.

In the Office Action, the Examiner asserts that “Brusky teaches ... receiving object identifier data (data set; imported data from other documents or items) from the object identifier reader (scanner 44) through a first communication interface (interface 34).” Office Action, pages 2-3 (Examiner’s parenthetical comments in original). Apparently, the Examiner is equating “a first communication interface,” as recited in previously presented claim 1, with Brusky’s interface 34. Brusky describes the interface 34 as “a user interface 34 through which a user may control the operation of the various functions of that peripheral.” Brusky, col. 3, lines 5-7. Applicants submit that the user interface 34 taught by Brusky is certainly not “a first communication port,” as recited in amended claim 20.

The Examiner further asserts that “Brusky teaches ... determining that the application is configured to receive the information through a second communication interface (processor 50 of the host comprises data manipulation techniques (e.g. OCR) in order for the application to receive the data).” Office Action, pages 2-3 (Examiner’s parenthetical comments in original). The Examiner is apparently equating the data manipulation techniques taught by Brusky with “a second communication interface,” as recited in previously presented claim 20. However, “data manipulation techniques” are certainly not “a second communication port,” as recited in amended claim 20.

Furthermore, the Examiner has not cited any other portion of Brusky as disclosing “a first communication port” or “a second communication port,” as recited in claim 20. In fact, the only portion of Brusky that discloses any kind of port states:

Communication link 16 also may comprise a variety of forms. In the illustrated embodiment, each communication link is a hard wire link that interfaces with a parallel port 40 of peripheral 14 and a corresponding parallel port 42 of host 12. However, communication links 16 may comprise a variety

of other forms that are able to transmit data between host 12 and a peripheral 14. For example, communication link 16 may be formed not only by direct wiring, but also by optical fibers, RF communication links, a variety of network applications as well as other data transfer forms.

Brusky, col. 3, lines 17-26. However, this portion of Brusky does not disclose the use of a first or second communication port in connection with the method steps recited in claim 20.

In the Office Action, the Examiner discusses various "preset parameters" that are taught by Brusky, including "quality of scan, paper size, contrast, darkness and potentially a variety of other parameters, as are available on conventional peripherals." Brusky, col. 4, lines 20-23. In the Office Action, the Examiner asserts that user selection of preset parameters, as taught by Brusky, "dictate if the application is able to receive the data set." Office Action, page 3. However, it is not clear to Applicants how the user selection of preset parameters relates to the limitations that are recited in claim 20, particularly in view of the amendments discussed above. The preset parameters are simply a means for a user to specify particular functions that are being performed by the peripheral 14. Applicants do not see any connection between the user selection of preset parameters and "determining that the application is not configured to receive the information through the first communication port" or "determining that the application is configured to receive the information through a second communication port," as recited in amended claim 20.

In view of the foregoing, Applicants respectfully submit that Brusky does not disclose each and every element as set forth in claim 20. Consequently, Applicants respectfully submit that claim 20 is patentably distinct from Brusky. Accordingly, Applicants respectfully request that the rejection of claim 20 be withdrawn.

Claim 41 has been amended to recite a computing device comprising "a first communication port" and "a second communication port" and a method comprising the steps of receiving object identifier data from the object identifier reader through "the first communication port," determining that the application is not configured to receive the information through "the first communication port," determining that the application is configured to receive the information through "the second communication port," and sending the information to the application on the computing device

through “the second communication port.” Support for these amendments may be found throughout Applicants’ Specification, such as on page 6, paragraph 36. Applicants respectfully submit that Brusky does not disclose each and every element of claim 41. Specifically, Brusky does not disclose “a first communication port” or “a second communication port” in connection with the other limitations recited in claim 41.

In the Office Action, the Examiner asserts that “Brusky teaches ... a first communication interface (interface 34) in electronic communication with the object identifier reader, a second communication interface (processor 50 of the host comprises data manipulation techniques (e.g. OCR) in order for the application to receive the data) in electronic communication with the application.” Office Action, page 4. The Examiner further asserts that “Brusky teaches ... a software module (instructions within memory) stored in the memory being configured to implement a method for a computing device as described above in reference to claim 20.” Office Action, page 4 (citations omitted). In support of this assertion, the Examiner cited to Brusky Figure 2 and Brusky columns three and five.

As with the rejection of claim 20, the Examiner apparently is asserting that the user interface 34 is “a first communication interface,” as recited in previously presented claim 41. Likewise, the Examiner is again apparently asserting that the “data manipulation techniques” are “a second communication interface,” as recited in previously presented claim 41. However, the user interface 34 and the data manipulation techniques are not “a first communication port” and “a second communication port, as recited in claim 41. Furthermore, as shown above, the Examiner has not cited, nor can Applicants find, any portion of Brusky that makes up for these deficiencies. For example, the Examiner’s cited preset parameters do not disclose the use of a first or second communication port, as recited in claim 41.

Therefore, Brusky does not disclose each and every element as set forth in claim 41. Consequently, Applicants respectfully submit that claim 41 is patentably distinct from Brusky. Accordingly, Applicants respectfully request that the rejection of claim 41 be withdrawn.

Claim 62 has been amended to recite a method comprising the steps of receiving object identifier data from the object identifier reader through “a first communication port,” determining that the application is not configured to receive the information through “the first communication port,” determining that the application is configured to receive the information through “a second communication port,” and sending the information to the application on the computing device through “the second communication port.” Support for these amendments may be found throughout Applicants’ Specification, such as on page 6, paragraph 36. Applicants respectfully submit that Brusky does not disclose each and every element of claim 62. Specifically, Brusky does not disclose “a first communication port” or “a second communication port” in connection with the method steps recited in claim 62.

In the Office Action, the Examiner asserts that “Brusky teaches that a computer readable medium for storing program data exists within the host device, wherein the program data comprises executable instructions for implementing a method for a computing device as described above in reference to claim 20.” Again the Examiner cites Brusky Figure 2 and Brusky columns three and five in support of this assertion.

As with the rejection of claims 20 and 41, the Examiner apparently is asserting that the user interface 34 is “a first communication interface,” as recited in previously presented claim 62. Likewise, the Examiner is again apparently asserting that the “data manipulation techniques” are “a second communication interface,” as recited in previously presented claim 62. However, a user interface 34 and data manipulation techniques are not “a first communication port” and “a second communication port, as recited in claim 62. Furthermore, as shown above, the Examiner has not cited, nor can Applicants find, any portion of Brusky that makes up for these deficiencies. For example, the Examiner’s cited preset parameters do not disclose the use of a first or second communication port, as recited in claim 62.

Therefore, Brusky does not disclose each and every element as set forth in claim 62. Consequently, Applicants respectfully submit that claim 62 is patentably distinct from Brusky. Accordingly, Applicants respectfully request that the rejection of claim 62 be withdrawn.

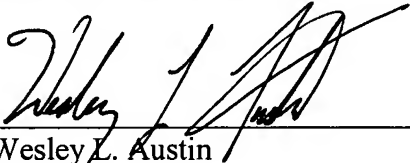
Appl. No. 10/623,747  
Amdt. dated April 12, 2006  
Reply to Office Action of January 13, 2006

In view of the foregoing, Applicants respectfully submit that claims 20, 41, and 62 are patentably distinct from Brusky. Accordingly, Applicants respectfully request that the rejection of claims 20, 41, and 62 be withdrawn.

B. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

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